

DECLARATION AND POWER OF ATTORNEY FOR U.S. PATENT APPLICATION

Original Supplemental Substitute PCT Design

As a below named inventor, I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that I verily believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Title: FLOW RATE SENSOR

of which is described and claimed in:

the attached specification, or
 the specification in the application Serial No. _____ filed _____;
 and with amendments through _____ (if applicable), or
 the specification in International Application No. PCT/ _____, filed _____, and as amended
 on _____ (if applicable).

I hereby state that I have reviewed and understand the content of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

I acknowledge my duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim priority benefits under Title 35, United States Code, §119 (and §172 if this application is for a Design) of any application(s) for patent or inventor's certificate listed below and have also identified below any application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

COUNTRY	APPLICATION NO.	DATE OF FILING	PRIORITY CLAIMED
Japan	341800/1998	December 1, 1998	Yes
Japan	172854/1999	June 18, 1999	Yes

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

APPLICATION SERIAL NO.	U.S. FILING DATE	STATUS: PATENTED, PENDING, ABANDONED

And I hereby appoint John T. Miller, Reg. No. 21,120; Michael R. Davis, Reg. No. 25,134; Matthew M. Jacob, Reg. No. 25,154; Jeffrey Nolton, Reg. No. 25,408; Warren M. Cheek, Jr., Reg. No. 33,367; Nils E. Pedersen, Reg. No. 33,145 and Charles R. Watts, Reg. No. 33,142, who together constitute the firm of WENDEROTH, LIND & PONACK, L.L.P., attorneys to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected therewith.

I hereby authorize the U.S. attorneys named herein to accept and follow instructions from _____ as to any action to be taken in the U.S. Patent and Trademark Office regarding this application without direct communication between the U.S. attorneys and myself. In the event of a change in the persons from whom instructions may be taken, the U.S. attorneys named herein will be so notified by me.

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Full Name of First Inventor	FAMILY NAME SUZUKI	FIRST GIVEN NAME Isao	SECOND GIVEN NAME	
Residence & Citizenship	CITY Tokyo	STATE OR COUNTRY Japan	COUNTRY OF CITIZENSHIP Japan	
Post Office Address	ADDRESS C/O MKS Japan, Inc. of Tokyo, Japan	CITY 1-20-32, Miyamae, Suginami-ku,	STATE OR COUNTRY	ZIP CODE
Full Name of Second Inventor	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME	
Residence & Citizenship	CITY	STATE OR COUNTRY	COUNTRY OF CITIZENSHIP	
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Full Name of Third Inventor	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME	
Residence & Citizenship	CITY	STATE OR COUNTRY	COUNTRY OF CITIZENSHIP	
Post Office Address	ADDRESS	CITY	STATE OR COUNTRY	ZIP CODE
Full Name of Fourth Inventor	FAMILY NAME	FIRST GIVEN NAME	SECOND GIVEN NAME	
Residence & Citizenship	CITY	STATE OR COUNTRY	COUNTRY OF CITIZENSHIP	
Post Office Address	ADDRESS	CITY	STATE OR COUNTRY	ZIP CODE

Full Name of Fifth Inventor	FAMILY NAME		FIRST GIVEN NAME	SECOND GIVEN NAME
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Full Name of Sixth Inventor	FAMILY NAME		FIRST GIVEN NAME	SECOND GIVEN NAME
Residence & Citizenship	CITY		STATE OR COUNTRY	COUNTRY OF CITIZENSHIP
Post Office Address	ADDRESS	CITY	STATE OR COUNTRY	ZIP CODE
Full Name of Seventh Inventor	FAMILY NAME		FIRST GIVEN NAME	SECOND GIVEN NAME
Residence & Citizenship	CITY		STATE OR COUNTRY	COUNTRY OF CITIZENSHIP
Post Office Address	ADDRESS	CITY	STATE OR COUNTRY	ZIP CODE

I further declare that all statements made herein of my own knowledge are true, and that all statements on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

1st Inventor Isao Suzuki Date November 22, 1999
 2nd Inventor _____ Date _____
 3rd Inventor _____ Date _____
 4th Inventor _____ Date _____
 5th Inventor _____ Date _____
 6th Inventor _____ Date _____
 7th Inventor _____ Date _____

The above application may be more particularly identified as follows:

U.S. Application Serial No. _____ Filing Date _____
 Applicant Reference Number _____ Atty Docket No. _____
 Title of Invention _____

Applicant or Patentee: _____
Serial or Patent No.: _____
Filed or Issued: _____
Title: _____

Attorney _____ Case No.: _____

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) & 1.27(c))—SMALL BUSINESS CONCERN**

I hereby declare that I am

the owner of the small business concern identified below:
 an official of the small business empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN MKS JAPAN, INC.

ADDRESS OF SMALL BUSINESS CONCERN 1-20-32, Miyamae, Suginami-ku, Tokyo, Japan

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled FLOW RATE SENSOR by inventor(s) Iso Suzuki

described in

the specification filed herewith
 application serial no. _____, filed _____
 patent no. _____, issued _____

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention listed below* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e). *NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities (37 CFR 1.27)

NAME MKS JAPAN, INC.

ADDRESS 1-20-32, Miyamae, Suginami-ku, Tokyo, Japan

INDIVIDUAL SMALL BUSINESS CONCERN NONPROFIT ORGANIZATION

NAME _____

ADDRESS _____

INDIVIDUAL SMALL BUSINESS CONCERN NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Mark Moore

TITLE OF PERSON IF OTHER THAN OWNER President

ADDRESS OF PERSON SIGNING 1-20-32, Miyamae, Suginami-ku, Tokyo, Japan

SIGNATURE Mark Moore

DATE November 22, 1999